# United States District Court, Northern District of Illinois

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Name of Assigned Judge or Magistrate Judge			R. Norgle	Sitting Judge if Other than Assigned Judge				
CASE NUMBER  CASE TITLE		R 01 C	C 7263	DATE	10/29	/2004		
			Tony Sherman vs. Premium Concrete Cutting Inc.					
[In the following box (a) of the motion being pre		) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature sented.]						
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(1)	☐ File							
(2)	□ Bri	Brief in support of motion due						
(3)	□ An	Answer brief to motion due Reply to answer brief due						
(4)	□ Ru	Ruling/Hearing on set for at						
(5)	□ Sta	Status hearing[held/continued to] [set for/re-set for] on set for at						
(6)	□ Pre	Pretrial conference[held/continued to] [set for/re-set for] on set for at						
(7)	□ Tri	Trial[set for/re-set for] on at						
(8)	□ [Be	[Bench/Jury trial] [Hearing] held/continued to at						
(9)		This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  ☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).						
(10)								
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(11)   [For further detail see order attached to the original minute order.]								
	No notices require	d, advised in open court.				. Document		
_	No notices required.				number of notices	Number		
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Notified counsel by telephone.  Docketing to mail notices.				date docketed	<u>~</u> /			
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## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

TONY SHERMAN, individually, and DAN RINGIER, individually, et al.	)
Plaintiffs,	
v.	) No. 01 C 7263
PREMIUM CONCRETE CUTTING INC., an Illinois corporation, and BRYAN MRAZ, individually,	) HONORABLE CHARLES R. NORGLE )
Defendants.	The second secon

### **OPINION AND ORDER**

NOV 0 2 2004

Charles R. Norgle Sr., District Judge

Before the court are the parties Motions to Vacate the Opinion and Order docketed
July 6, 2004 and the Judgment in a Civil Case dated July 2, 2004. For the following reasons
the parties Motions to Vacate is granted in part, and the court relinquishes its supplemental
jurisdiction over the remaining state law claims.

## I. BACKGROUND

This court entered an Opinion and Order on this matter dated July 1, 2004. That Opinion resolved all federal causes of action and relinquished supplemental jurisdiction over the remaining state law claims.

After that Opinion was entered, both parties filed pleadings regarding modification or vacation to it.

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The parties have no objection to this court entering a judgment in favor of the four Fair Labor Standards Act plaintiffs in sums certain and against defendants both jointly and severally.

#### II. DISCUSSION

The court has reviewed the parties' pleadings on vacating and modifying this court's Opinion and Order dated July 1, 2004. The parties agree that the July 1, 2004 Opinion and the July 2, 2004 Judgment in a Civil Case should be modified to enter judgment in a sum certain for each of the four plaintiffs in the federal counts and against the defendants jointly and severally. The parties disagree on what should be done with the state court counts.

#### III. CONCLUSION

The Opinion of July 1, 2004 is amended to enter judgment in favor of the individual plaintiffs in the FLSA counts and against Defendants Premium Concrete Cutting, Inc. and Defendant Bryan Mraz both jointly and severally in the following amounts:

1.	For Plaintiff Daniel Ringier	\$28 363 12

<sup>2.</sup> For Plaintiff Tony Sherman \$ 1,695.51

0/29/04

For the reasons stated in the July 1, 2004 Opinion no ruling on the state court counts has been or will be made. The court relinquishes its supplemental jurisdiction over the remaining state law claims.

IT IS SO ORDERED

ENTER:

CHARLES RONALD NORGLE, Judg

United States District Court

DATED:

<sup>3.</sup> For Plaintiff Thomas Bastian \$ 2,309.19

<sup>4.</sup> For Plaintiff Donald Zucco \$ 619.56